IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23909 of 2004

Between:

D. Nagavardhanamma W/o Narasimha Rao
Shop No. 616, Tondapi Village, Muppalla Mandal, Guntur District

.... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, Guntur, Guntur District
3 The Mandal Revenue Officer, Muppalla Mandal, Guntur

District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondent 1st in rejecting the stay petition of the petitioner vide order dated 24-11-2004 and in not disposing of the appeal pending before him in file NO. 54/2004-S7, which was filed against the order of suspension passed by the 2nd respondent in in Rc. 5838/2004-B, dated 21-10-2004 is illegal, arbitrary improper and against the principles of natural justice and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner : MR.K.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER**:**

The authorization of the petitioner was suspended by the second respondent through proceedings, dated 21.10.2004. The allegations against the petitioner are that she did not display the stock-cum-price list; did not display the timings of the shop; did not maintain the records, and sold the commodities at higher prices etc., The petitioner preferred an appeal before the first respondent together with an application for stay. Through order, dated 24.11.2004, the first respondent refused to grant stay. Hence this writ petition.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

3. The petitioner availed the remedy of appeal aggrieved by the order of suspension passed by the second respondent. Except stating that the application for stay is rejected, the first respondent did not state any reasons therefor. Though an elaborate discussion is not required at this stage, a semblance of reasoning is expected from the first respondent, before rejecting the request of the petitioner for granting stay.

4. The petitioner is not accused of any serious irregularities. It was on the basis of certain observations in a surprise visit by the M.R.O., that the suspension was ordered. The truth or otherwise of these allegations needs to be considered at the enquiry to be held by the second respondent. The first respondent has already called for the record.

5. Hence, the writ petition is disposed of directing that the order of suspension passed against the petitioner shall remain stayed, till the first respondent disposes the appeal. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 22.12.2004

Note:- Office to furnish copy

In two days.

(B/o)

TS

To

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, Guntur, Guntur District
3 The Mandal Revenue Officer, Muppalla Mandal, Guntur

District

4 2 CCs to G.P for Civil Supplies, High Court Buildings,

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